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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,346	08/27/2003	Juergen Walz	7400-X03-039	4723
27317	7590	07/09/2004	EXAMINER	
FLEIT KAIN GIBBONS GUTMAN & BONGINI COURVOISIER CENTRE II, SUITE 404 601 BRICKELL KEY DRIVE MIAMI, FL 33131			ROSS, DANA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/649,346	WALZ, JUERGEN	
	Examiner	Art Unit	
	Dana Ross	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/27/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 15 is objected to because of the following informalities:

It appears claim 15 should read, "...wherein at least two machining stations and a tool turret are provided [and a tool turret]..."

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, states "with at least one tool turret". Lines 4-5 then states "a tool turret with a gripping device is arranged to the left and to the right, respectively, of the machining station. It is not clear if there is more than one "tool turret" being claimed. It appears line three should read, "at least two tool turrets". Clarification is requested. Examination will proceed based on the multiple turret arrangement disclosed in the drawings and the disclosure.

Claims 2, 3 and 4, lines 1, 1, 1, 1, respectively, it is unclear what "it" is referring to.

Claims 2, 3, 4, 5, lines 3, 3, 3, 2, respectively, recite the limitation "the working range". There is insufficient antecedent basis for this limitation in the claim.

Claims 3 and 4, it is unclear, based on the terminology of the dependent claim 1, how many turrets are being claimed. Claims 3 and 4 address "the turret", indicating only one turret in

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the claimed invention, however, claim 1 has “a tool turret with a gripping device is arranged to the left and to the right, respectively, of the machining station. Clarification is requested.

Examination will proceed based on the multiple turret arrangement disclosed in the drawings and the disclosure.

Claim 5, lines 2-3, recite the limitation "the adjacent tool turret". There is insufficient antecedent basis for this limitation in the claim.

Claim 7, line 3, recites the limitation "the motor spindles". There is insufficient antecedent basis for this limitation in the claim.

Claim 8, line 4, recites the limitation "the gripping elements". There is insufficient antecedent basis for this limitation in the claim.

Claim 9, line 2, recites the limitation "the gripper". There is insufficient antecedent basis for this limitation in the claim.

Claim 14, it is unclear if there are at least two gripping devices to the right and at least two gripping devices to the left of the machining station, or if the “at least two gripping devices” are divided such that the one of the “at least two gripping devices” is found on the right, and one is found on the left of the machining station. For the purpose of this examination, Examiner will proceed based on the turret arrangement disclosed in the drawings (fig. 1) and the disclosure where for each machining station shows one turret on the left, and one turret on the right.

Claims 15, 16, 17, lines 2, 2, 2, respectively, recite the limitation "the working range". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by UK Pat.

Application GB 2,166,678A (hereafter referred to as ‘678A).

‘678A teaches a method of machining using a machine tool with machining stations 21 and 22 (turrets) and workpiece gripping units 15 and 24 (turret), the gripping unit 15 considered “to the left” of the machining stations, and the gripping unit turret 24 “to the right” of the machining unit, as viewed from figure 1, both gripping units displaceable to position the workpiece relative to the machining station (page 1, lines 106-130, for example).

6. Claims 1-4, 7-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5,597,155 (Garnett et al., hereafter referred to as ‘155).

In regard to claims 1, 3, 4, ‘155 teaches a machine tool with two machining stations with tool turrets 14 and 16 and vertical work-holding spindles 10 and 12 (fig. 1) with the tool turrets 14 and 16 displaceable both vertically and horizontally through supports 58 mounted for vertical movement on vertical rails 60 carried by a frame 60, each frame 62 mounted for horizontal movement on fixed horizontal rails 64 (col. 2, lines 9-16, for example); the turrets each provided with a work-handling device 66, the turret 14 for receiving a workpiece from the workpiece feed station 20, and the turret 16 for delivery to the workpiece delivery station 24 (fig. 1, col. 1, lines 55-65, col. 3, lines 60-64, col. 5, lines 23-38, for example).

In regard to claim 2, it is noted that '155 does not expressly disclose that the tool turrets "can be" displaced into the working range of at least machining stations, however, there is nothing limiting the structure of '155 from moving the tool turrets into the "working range" of the next tool turret when the other has been moved outside of the working range. It is further noted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In regard to claim 7, '155 teaches the vertical work-holding spindles 10 and 12 (fig. 1).

In regard to claim 8, '155 teaches the tool turret 14 arranged between each vertical work-piece holder (where machining occurs), and transporting of the workpiece from tool turret 14 to tool turret 16 by grippers 82 (col. 4, line 58-col. 5, line 7, for example).

In regard to claims 9-13, '15 teaches the tool turrets 14 and 16 displaceable both vertically and horizontally through supports 58 mounted for vertical movement on vertical rails 60 carried by a frame 60, each frame 62 mounted for horizontal movement on fixed horizontal rails 64 (col. 2, lines 9-16, for example);

In regard to claims 14, 16 and 17, '155 teaches a method of machining using a machine tool with machining stations with tool turrets 14 and 16 and vertical work-holding spindles 10 and 12 (fig. 1) with the tool turrets 14 and 16 displaceable both vertically and horizontally through supports 58 mounted for vertical movement on vertical rails 60 carried by a frame 60, each frame 62 mounted for horizontal movement on fixed horizontal rails 64 (col. 2, lines 9-16, for example); the turrets each provided with a work-handling device 66, the turret 14 for

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receiving a workpiece from the workpiece feed station 20, and the turret 16 for delivery to the workpiece delivery station 24 (fig. 1, col. 1, lines 55-65, col. 3, lines 60-64, col. 5, lines 23-38, for example).

***Allowable Subject Matter***

7. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 703-305-7764. The examiner can normally be reached on 7:00 to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 703-308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmr



Daniel W. Howell  
Primary Examiner  
Art Unit 3722